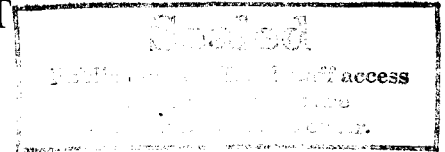


# UNITED STATES DISTRICT COURT

for the  
Southern District of Texas



United States of America

v.

ASHER ABID KHAN

Case No.

**H15-712 M**

United States Courts  
Southern District of Texas  
**FILED**

**MAY 25 2015**

*Defendant(s)*

## CRIMINAL COMPLAINT

David J. Bradley, Clerk of Court

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Dec. 2013 through Dec. 2014 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*

*Offense Description*

18 U.S.C. Section 2339B

Conspiracy to Provide and Providing Material Support to a Foreign Terrorist Organization (ISIL)

This criminal complaint is based on these facts:

See Attached Affidavit of Criminal Complaint

☒ Continued on the attached sheet.

*Complainant's signature*

Keith Fogg, Special Agent, FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date:

May 25 2015

City and state:

Houston, Texas

*Judge's signature*

Honorable Nancy K. Johnson

*Printed name and title*

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Keith Fogg, being first duly sworn, hereby depose and state as follows:

### **I.**

#### **INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been so employed since June 2010. I am currently assigned to the Houston Field Office. I have received training in the preparation, presentation, and service of criminal complaints and arrest and search warrants, and have been involved in the investigation of numerous types of offenses against the United States, including crimes of terrorism, as set forth in 18 U.S.C. § 2331, *et seq.*

2. This affidavit is intended to show merely that there is probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

### **II.**

#### **PURPOSE OF THE AFFIDAVIT**

3. I make this affidavit in support of an application for a complaint and arrest warrant for Asher Abid Khan ("Khan"), a 20-year old Houston area resident, who conspired to provide himself and his friend, S.R.G. ("S.R.G."), as fighters for a designated foreign terrorist organization, namely the Islamic State in the Levant ("ISIL"), with known aliases: Islamic State of Iraq and al-Sham, the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, and Dawla al Islamiya. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that Khan committed a violation of 18 U.S.C. § 2339B (Conspiracy to Provide Material Support and Resources to a Foreign Terrorist

Organization).

### **III.**

#### **CHARGE**

4. Beginning in or about December 2013, and continuing until on or about December 2014 within the Southern District of Texas, and elsewhere, the defendant,

**ASHER ABID KHAN,**

did unlawfully and knowingly conspire and agree with others known and unknown to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339B(a)(1), including services and personnel, to a foreign terrorist organization, namely ISIL, knowing that ISIL has engaged, and engages in, terrorist activity and terrorism.

All in violation of Title 18, United States Code, Section 2339B(a)(1).

### **IV.**

#### **STATEMENT OF PROBABLE CAUSE**

##### **A. ISIL**

5. On October 15, 2004, the United States Secretary of State designated Al-Qa'ida in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of AQI as a FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-

Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself "Al-Qaeda in Iraq," this name has frequently been used to describe it through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of ISIL's name to Islamic State ("IS"). To date, ISIL remains a designated FTO.

## **B. Summary**

6. This is an investigation of two Texas-based friends, S.R.G. and Khan, both of whom attempted to travel to Syria to join ISIL. S.R.G. eventually made it to Syria and ISIL with the assistance of Khan, and an Unnamed Co-Conspirator ("CC-1"), a Turkish-based foreign terrorist fighter facilitator discovered initially by Khan, and others. And, while Khan made it to Turkey in the same quest, he decided to immediately return home to Texas because of information he received from his family regarding his mother's health. S.R.G. and Khan's ISIL-related plans and actions, CC-1's involvement, and the knowledge of S.R.G. and Khan's friends and associates are captured in their electronic communications with each other, including on social media platforms like Facebook.

## **C. The Conspiracy As Told Through Facebook Messages**

7. In or about October 2014, the FBI became aware of Khan based on a search of S.R.G.'s Facebook account.<sup>1</sup> The S.R.G. Facebook account contained several pictures depicting S.R.G. dressed in camouflage sitting in front of and handling what appeared to be AK-47-style rifles. It also contained communications between S.R.G., Khan, and others wherein S.R.G. discusses his travel planning to Syria, his joining ISIL, and his desire to recruit others to join ISIL.

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<sup>1</sup> On August 29, 2014, a United States magistrate judge in the Southern District of Texas issued a search and seizure warrant authorizing a search of S.R.G.'s Facebook account.

8. Although S.R.G. made it to Syria and fought with ISIL, Khan, a United States citizen, was tricked into returning home to Texas after he reached Turkey, and he did not continue to Syria.<sup>2</sup> Khan, however, put S.R.G. into direct contact with CC-1, so S.R.G. could accomplish his goal of joining ISIL and engaging in violent jihad in Syria. Khan currently resides in Spring, Texas with his family.

9. CC-1, a 24 year-old foreign national believed to be currently residing in Turkey, travels between Syria and Turkey on a regular basis. He also used Facebook on a regular basis, creating at least four known accounts. One of those accounts communicated extensively with Khan and S.R.G. about ISIL.

10. This affidavit sets forth a series of Facebook messages between Khan and S.R.G.; Khan and CC-1; CC-1 and S.R.G.; and Khan and his Houston area-based associates occurring primarily from January 2014 through February 2014. The messages reveal Khan's and S.R.G.'s plans to join and provide material support to ISIL and their execution of those plans. The messages also reveal CC-1's role as a foreign terrorist fighter facilitator. Finally, the messages show how Khan confided in others about his plans, and shed light on his views as late as September 2014.

### **1. January 2014--Planning**

11. While living in Australia with relatives, where Khan had resided since October 2013,<sup>3</sup> Khan used his Facebook account to send a "Friend Request" to S.R.G.'s Facebook account. S.R.G. accepted the request on or about January 6, 2014. That same day, Khan had a

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<sup>2</sup> In order to convince Khan to return home, concerned family members falsely told him that his mother was hospitalized.

<sup>3</sup> Khan departed the United States on October 18, 2013, from Houston, Texas to Dubai International Airport, and arrived in Australia on October 19, 2013.

conversation with S.R.G. in which Khan informed S.R.G. that: (1) he had moved to Australia; and, (2) he was “planing [sic] to go to Iraq soon to join the Islamic state of Iraq and sham. In shaa Allah.”<sup>4</sup> Khan continued their Facebook conversation by inviting S.R.G. to join him and advised: “I’ll send you a couple of lectures tomorrow as well to get you familiar with fighting in Islam and all that.” After S.R.G. agreed to join Khan, Khan stated: “Love for shahada is so strong.. Okay well do some research on ISIS (islamic state of Iraq and sham).”<sup>5</sup>

12. On or about January 10, 2014, Khan and S.R.G. discussed, among other things, travel logistics and the impact that leaving would have on family.

13. The next day, on or about January 11, 2014, Khan reached out, apparently for the first time, to CC-1. After explaining he was in Sydney, Australia, he stated “I wana join ISIS can you help?”

14. Between January 11, 2014, and January 13, 2014, Khan and S.R.G. continued to discuss travel logistics and whether they should travel to Iraq or Syria. Khan weighed the pros and cons of each destination, and indicated that traveling to Syria required that they first go to Turkey and cross the border, which could be dangerous, whereas travel to Iraq would require that they “make our way ourselves to the ISIS HQ.” Khan’s desire to fight is made clear by his subsequent statement, “and then after taking training with them we can go on the front lines in damascas.” Khan also indicated that he was trying to get everything done in order to travel by February 2014.

15. On or about January 13, 2014, Khan contacted CC-1 via Facebook and gave him more background about who he (Khan) is and why he was seeking to join ISIL. He explained how he grew up in the “west” and recently came to Australia because he didn’t like living in the

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<sup>4</sup> “In shaa Allah” means “God willing” in Arabic.

<sup>5</sup> “shahada” refers to the Islamic declaration of faith.

west anymore, and that he is “sad” because he sits in Australia “comfortably while [his] brothers are in so much hardship.” As a result, he wanted to help his “brothers and sister” to seek his “maker’s mercy.” In response, CC-1 stated that he could help Khan once he (Khan) reached Turkey. Khan replied that he will “make plans for turkey, then contact you.”

16. On or about January 19, 2014, Khan forwarded to S.R.G. multiple screen shots of what purported to be messages between Khan and an unidentified subject in which Khan appeared to be asking for help from the individual to meet up with ISIL in Fallujah. The following statements were included in the exchange:

KHAN: I saw the picture of sharia court established in Falluja. So if i went to Baghdad and went to Falluja from there, could I meet up with ISIS?

USER 2: bro are you really serious abt this ? sorry to ask you again .. as now there are fitna there ... and many muhajireen have been martyred by the secular rebels<sup>6</sup>

KHAN: All I know is that I want to fight fisabillah..Who knows how long this fitna will last? What if I miss my chance? I don't want to fight for war booty or for nationalism. I want to just rise the laws of Allah and be a shaheed in his cause. I don't want to be fighting with the wrong group, and so far all I see is ISIS fighting for Khilafah.<sup>7</sup>

KHAN: Wallahi if I spoke Arabic, I'd be there already..<sup>8</sup>

USER 2: ok give me time .. and if i dont come back to you keep reminding me – not every day but once a week will do

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<sup>6</sup> The Arabic term “fitna” is likely a reference to a division between brothers that ultimately leads to fighting. And the Arabic term “Muhajireen” means immigrants and is likely a reference to foreign fighters.

<sup>7</sup> The Arabic term “fisabillah” is an expression meaning “for the sake of Allah,” and “shaheed” means to die a martyr. “Khalifah” is commonly known as the Muslim state or could also be a reference to the religious leader of that Muslim state.

<sup>8</sup> “Wallahi” is an Arabic term for “I swear to Allah.”

17. On or about January 16, 2014, the U.S. State Department issued passport number 512162275 to Khan. And, on January 29, 2014, Khan informed S.R.G., "My new passport has arrived."

**2. February 2014—Planning Continued, Travel & CC-1's Facilitation of S.R.G.'s Travel to Syria.**

18. On or about February 4, 2014, Khan contacted CC-1 via Facebook and engaged in a lengthy conversation. After confirming that CC-1 would be able to help Khan "on arrival," the two discussed where they should meet in Turkey, including the most economical way (both price and route) to get to Turkey. CC-1 told Khan that "there is a bus from Istanbul to Adana and then antakya," and that he (CC-1) will come to Khan when Khan is in Antakya. Antakya is a city in Southern Turkey close to Turkey's border with Syria.

19. On or about February 11, 2014, Khan and S.R.G. discussed their travel plans over Facebook. Khan stated, "Salam akhi! Ok so far our plan is, INSA<sup>9</sup>, we go to Istanbul, catch a bus (around 15 hours) to Adana and then to Antakya." Khan then continued by offering to pay for, and print out, a visa for S.R.G. S.R.G. ultimately refused Khan's offer, and likely obtained a visa on his own.

20. On or about February 13, 2014, Khan provided S.R.G. detailed instructions over Facebook on how to purchase the appropriate "one way" United Airlines ticket to travel from "houston intercontinental" to "Istanbul-Ataturk" on "the 24th of February." On that same day, Khan contacted CC-1 via Facebook and sought advice about whether he should trim his beard. The next day CC-1 responded that Khan should definitely trim his beard, and CC-1 suggested

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<sup>9</sup> Based on my training and experience, and based on consultation with FBI Arabic linguists, I believe that "INSA" is short for "inshallah," which translates to "god willing." "Salam akhi" is a Muslim greeting which means "Peace my brother."



how short Khan should trim it. Khan then asked how long it would take for CC-1 to reach him in Antakya, and CC-1 replied "not long" because he was already in Antakya.

21. On or about February 15, 2014, Khan and S.R.G. discussed the need to have a plausible cover for their travel to Turkey. Khan mentioned how they could have problems in the "turkey airport when they ask us why we are here and what not in which case we need to state a whole tourist plan."

22. Three days later, on or about February 18, 2014, Khan told CC-1 that he "will be traveling in a couple days," and then asked how he can reach CC-1 once he arrived in Turkey, and if there was a number he could call to reach CC-1. CC-1 instructed Khan to "purchase a Turkcell sim card and cheap mobile phone" when he reached Istanbul. CC-1 then provided a telephone number per Khan's request.

23. On or about February 22, 2014, Khan had a conversation with S.R.G. in which Khan asked S.R.G.: "Have you reached Houston safely? And did you get your visa?" Khan also reminded S.R.G. to, "make sure you print your ticket.." and "forward me your ticket as well.. Just so I know your flight numbers." S.R.G. indicated that he was nervous stating: "If I could I would destroy all the butterfly's in my stomach," And, Khan reminded S.R.G. of their cover story stating: "Lol, bro chill and have fun.. This is an experience so enjoy it and learn from it. You're a tourist and tourist are never nervous. They are curious." S.R.G. also asked Khan "to check his Facebook often."

24. According to U.S. Customs and Border Protection ("CBP"), S.R.G. traveled on February 23, 2014, from George Bush International Airport in Houston, Texas to London Heathrow. On February 24, 2014, Khan left Australia for Turkey on a Malaysia Airlines flight.

25. On or about February 24, 2014, Khan had the following exchange with S.R.G. in which S.R.G. explained to Khan: "I'm here in London now," and "I gotta find out if my bag went str8 to turkey." Khan, while in Malaysia, responded by telling S.R.G., "My parents are tippin bro. I hers my moms in the hospital." After a 166-second telephone call between the two men, S.R.G. wrote and complained to Khan: "Dude you can't pull shit like that , I didn't come with all that much cash, I have no connections I've got no clue ,, wtf." Then, after S.R.G. pleaded with Khan to not leave him stranded, Khan stated, "I'm coming to turkey don't worry iA."<sup>10</sup> He also gave S.R.G. some advice: "When you get to turkey, they might ask if you have enough money back from turkey for like a return ticket. Tell them your friend will be paying or something. Just make an excuse that you have the money to go back. If you have your card, show them it and say you have like 2 grand in there."

26. S.R.G. flew from London to Turkey on or about February 24, 2014, and Khan flew from Malaysia to Turkey on February 24, 2014. Khan then flew to the United States on February 25, 2014.

27. On or about February 26, 2014, S.R.G. informed Khan, who, by this time, had returned to Houston, that the contact number for "Mohammad" (assessed to be CC-1) did not work. In response, Khan explained to S.R.G., "I messaged him telling him about you." Khan then sent S.R.G. what appeared to be a copy of the message he [Khan] sent to "Mohammad" (CC-1):

Asalam o alaikum bro. Came all the way to Istanbul and my family deceived me by saying my mom was in the ICU so I rushed back. My friend however is decided to carry on without me and is now in Antakya, I have him your number and he treys calling but he said it didn't work.. Can you please talk to him? I think he messaged you on fb. His name is Abdullah Ali, he is a Mexican convert.

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<sup>10</sup> iA is likely shorthand for "Insha Allah," i.e. "god willing."

28. On or about February 26, 2014, S.R.G. and CC-1 then had the following conversation, where CC-1 instructed S.R.G. on which hotel to go to, where to meet him, and how to recognize him:

S.R.G.: Please pick me up I'm in the bus station a  
Antakya  
Call me  
5078754164  
I tried calling your number but I think I'm missing some thing  
There's guys asking me if I'm tryna go to syria  
They backed down a Lil bit but I can tell there still talking about me

CC-1: Assalaam aleikum bro, go to a hotel, hotel Antakya is preferred

S.R.G.: Ok  
Will do ,  
I'll just ask them for a taxi?

CC-1: Yep

S.R.G.: Ok dose that hotel have WiFi?

CC-1: Yes it most probably should

S.R.G.: I will go to hotel antakya

CC-1: I'll be there in a few hours, don't talk to anyone about Syria  
Of anyone brings it up reject it like it's a foolish thing to ask you

S.R.G.: Yep  
Ok ia

CC-1: let me know when u are in the hotel

S.R.G.: I'm at the hotel , take your time

CC-1: ok sweet

S.R.G.: :)

CC-1: Akhi I'm coming shortly  
  
Please pick up your phone

S.R.G.: Hey  
My bad my done isn't working

S.R.G.: I'm on my tablet it died but I'm charging it now ,, should I check out and  
walk with my language  
  
And walk towards you?

CC-1: No stay for now. When does your check in expire

S.R.G.: Tmrw 12 pm

CC-1: Ok akhi come to the Palladium mall, it is on the opposite side of the river  
You cross the river and go left, it is a big whiteish building maybe 1km  
away  
Don't check out

S.R.G.: What do I take to the mall?  
All my baggage ?

CC-1: Nothing

S.R.G.: OK

CC-1: We are just meeting up akhi

S.R.G.: Ok

CC-1: Once you get there go to the food court on the top level

S.R.G.: Ok I am wearing whit glasses on top of my black hat , blue sweater white  
Jordan's and black pant , and a very shirt under my sweater

CC-1: You got your phone with you?

S.R.G.: No , did it ring when you called it?

CC-1: Yep

S.R.G.: Ok I'll take it with me then ,  
Just give me a few min

CC-1: I'll be in front of a food shop called pidem

S.R.G.: Ok

29. The next day, on or about February 27, 2014, S.R.G. and CC-1 had the following conversation:

S.R.G.: Did you get home safely last night?

CC-1: Yes Alhamdullilah. I'll be at yours soon. I just need to have breakfast and do one little thing and I'll be at yours  
Maybe at around 11am max

S.R.G.: Ok  
I will be ready  
IA  
Ghjbfsf<sup>11</sup>  
Assalamwalikum

30. On that same day, S.R.G. confirmed to Khan that he had “been delivered :),” that he was still with “Mohammad” (CC-1). In response, Khan asked, “And are you with dawla. Like ISIS?” S.R.G. replied, “No not yet.” Khan also offered: “Aye if you ever need money, ask me!” And, S.R.G. stated that he feels like he “belongs” and that his “entire life was ment [sic] for this.”

### **3. March to August 2014—S.R.G. Finds His Way to ISIL**

31. A little over a month later, on or about March 29, 2014, S.R.G. explained to Khan that “Dawla<sup>12</sup>” “[l]eft,” that he is in a place akin to “boot” (likely a reference to boot camp), and that he had an “ak” (likely a reference to an AK-47 assault rifle) that he had shot it and had even fought a “[l]il bit.” Khan wrapped up this conversation with the following message:

I'm happy for you and you are always in my prayer. I don't want you getting in trouble so ima wrap this up real quick. Just a few things! Be carful who you kill, don't neglect salah, recite qur'an and make tones of dua for guidance. And then trust in Allah. Don't curse ppl you don't know stuff about. And just take care, always

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<sup>11</sup> It is currently unclear to your affiant what this means.

<sup>12</sup> The Secretary of State added the alias of Dawla al Islamiya to the ISIL listing. Based on my training, experience and consultation with a FBI Arabic Linguist, the FBI assesses when S.R.G. references “Dawla” he is referring to ISIL.

32. On or about April 11, 2014, S.R.G. informed Khan he was not with “Dwl”<sup>13</sup>, but he, instead, had been training with a group that just formed up. S.R.G. stated that when his training was over, he would “try to go with Dwl.” S.R.G. also sent a picture of what appeared to be an AK-47 and stated, “That’s my baby,” and that “You can have one too if you’d like.”

33. Between on or about July 1, 2014, and July 15, 2014, Khan and S.R.G. engaged in several conversations over Facebook. During one of those conversations, Khan emphasized that S.R.G. should try getting to “dawla.” During another one of those conversations, S.R.G. sent Khan a photograph of himself holding an AK-47 and a Qur’an, and confirmed that the photograph was taken recently. Khan then inquired: “How’s the land of sham bro? The land of the sahabi?”<sup>14</sup> And, S.R.G. replied: “Wallah its amazing,” and “I wish you where [sic] here.” Khan continued by re-offering S.R.G. money and food. And, in response, S.R.G. replied that he had everything he needed. Khan concluded by telling S.R.G. that everyone from the masjid missed him, but that “[t]hey’re all afraid to message you though cuz they think they might get arrested lol.”

34. On or about August 11, 2014, S.R.G. informed Khan that he was with “ISIS” and he “wanted to be with them in the first place,” to which Khan responded by instructing S.R.G. to “make sure they [presumably S.R.G. and his fellow fighters] are doing everything according to Islam you know, not killing innocent ppl and all that.”

#### **4. Khan’s Communications With Another Associate, Individual 1, About His Plans Overseas**

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<sup>13</sup> The Oxford Encyclopedia of Islam and Politics states Dawlah is, “An Arabic term from the root *d-w-l*, meaning to rotate, alternate, take turns, or occur periodically, *dawlah*, in a modern context, refers to the state.” Based on my training, experience and consultation with a FBI Arabic Linguist, the FBI assesses when S.R.G. and Khan are discussing Dwl they are referring to ISIL.

<sup>14</sup> The land of “Sham” is likely a reference to Syria, and “sahabi” is Arabic for a follower of Islam.

35. Besides S.R.G. and CC-1, Khan also discussed his plans with others, including Individual 1. Individual 1 is a female who lives in Spring, Texas. Khan has known Individual 1 since at least his freshman year of high school, and Khan's Facebook account shows that Khan and Individual 1 had many long and detailed conversations over Facebook. Those Facebook messages make clear that Individual 1 was not supportive of Khan's decision to travel to Syria, but they also make clear that Khan had a special relationship with Individual 1 such that he confided in her more so than he did in others.

**a. Khan Discusses His Plans to Die Shaheed**

36. Because of that special relationship, and prior to his and S.R.G.'s departures, Khan revealed to Individual 1 his thoughts on the Islamic State<sup>15</sup> and becoming a shaheed (dying a martyr), his and S.R.G.'s plans to travel to Syria to help establish the Islamic State, and the use of an unidentified contact to help them in their quest. These disclosures by Khan are found in his Facebook communications with Individual 1. In addition, those communications also revealed who was aware of Khan's plans or parts of his plans.

37. A review of Facebook records associated with Khan's account revealed that, on or about January 24, 2014, Individual 1 and Khan engaged in a lengthy conversation related to Khan's intent to travel to Iraq and Syria to help establish an Islamic State, revive the Caliphate, and die a shaheed. Specifically, Khan indicated that he intended to go to "Iraq in shaa Allah, maybe Syria," to "study sharia" in Iraq and "help the refugees in Syria." Khan stated that he probably would not come back to the United States or Australia because he would "be acting against their troops and agenda." In response, Individual 1 questioned whether Khan's parents knew of Khan's plan, and Individual 1 noted that Khan was the one that Khan's parents "used to

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<sup>15</sup> Your affiant assesses that when Khan discusses the Islamic State in this manner, he is referring to ISIL and/or the Islamic State purportedly being created by ISIL.

depend on” and that he did not think “they’d be okay with it.” Khan replied that he felt compelled to go because his “brothers and sisters” are being “raped, tortured and killed.” Khan also indicated that he found someone to meet him in Iraq and that he wants to “help establish an Islamic state, and iA revive the Khilafah :).” Individual 1 responded by questioning Khan’s intent, asking whether “this” was something Khan intended to do for the rest of his life and whether he would eventually “settle down and live a normal life.” Individual 1 then continued by suggesting that Khan “should take some time to like calm down and think this whole thing through,” that “maybe acting on impulse isn’t such a good idea,” and “[m]aybe you should like talk to people at your masjid or your aunt and uncle or something before you do anything drastic.” Individual 1 also suggested that Khan “wait a couple of years and see if [his] perspective changes,” and “see if [he] maybe could find a better way to help out.” Later, after Individual 1 continued to implore Khan to reconsider his plans, Khan indicated that he was going to “be straight forward, I wana die as a Shaheed,” and that he was “looking forward to dying in Allah’s cause and meeting Allah.” Individual 1 responded by continuing to attempt to convince Khan that his plans were ill conceived. Individual 1 argued that: “I just think you’re being impulsive or maybe you’re not thinking this whole thing through. I can understand why you want to go help out and everything, but like I said there are other methods that may be equally beneficial.” Individual 1 also threatened to tell Khan’s family about Khan’s plans. Ultimately, however, Individual 1 agreed not to tell Khan’s family and agreed to talk about “normal stuff” moving forward.

38. On or about January 31, 2014, Khan sent a message to Individual 1 indicating that he had “honestly done what [he] could,” that his “job is to remind . . . Not force . . . IA a



Shaheed is granted 70 intercessions<sup>16</sup>,” and that he is “kinda doing this for them too..”

39. On or about February 2, 2014, in a discussion initiated by Khan where he asked Individual 1 “[w]hat like do you love doing that you are good at??” Khan, when asked the same question by Individual 1, answered his own question with “[h]aha mines has to do with the Islamic state . . so first that needs to be established bu IA I can work to progress it too lol.”

40. On or about February 14, 2014, Khan and Individual 1 had the following conversation about a Youtube video:

KHAN: <https://m.youtube.com/watch?v=oXK5nVzcy2E><sup>17</sup>  
I love him^  
May Allah give him the highest place in jannah<sup>18</sup>

Individual 1: Ameen

I've never heard any of his lectures

KHAN: He was a man, killed for his knowledge. Literally

He has THE BEST LECTURES

An American born, perfect English like us

I wish I could inject everything I know about him into you. And creat the same love I have for him in you.

And every other Muslim

Individual 1: Aww

I'll watch one his lectures soon iA

KHAN: I'll send you a great one. He gives you a tour of jannah, way better than I did

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<sup>16</sup> Based on my training and experience, I know that “Intercession” is a prayer that pleads with God for your needs and the needs of others.

<sup>17</sup> The Youtube video is currently still available and entitled “Tribute to Sheikh Anwar Al –Awlaki.” The video depicts Al-Awlaki’s speeches and commentary. It further shows a U.S. government statement announcing that Awlaki, a leader of Al ‘Qaeda in the Arabian Peninsula, was killed in Yemen.

<sup>18</sup> Based on my training and experience, I know that “jannah” means heaven.

Individual 1: Alright(:

41. On that same day, after Khan pleaded with Individual 1 to understand his “feelings” because she was the “one that always did,” Khan again reaffirms his desire to become a “shaheed”.

**b. Khan’s Discussions with Individual 1 re: Turkey, S.R.G., and a Contact in Turkey.**

42. On or about January 31, 2014, Khan asked Individual 1 about S.R.G. when he asked if she knows “Abdullah Ali? A Mexican convert from our masjid?” Individual 1 replied that “I’ve heard of him, I’ve never met him.” A little over two weeks later, however, it’s clear that she knew Abdullah (i.e., S.R.G.) was traveling with Khan. On or about February 17, 2014, Khan mentioned that he (Abdullah/S.R.G.) is “getting his ticket,” an apparent reference to his impending purchase of a ticket to Turkey. He then told Individual 1 that “all my stuff is going smoothly but Abdullah’s card isn’t working right now.” A few minutes later, he explained that he wasn’t buying the ticket yet because he is waiting for Abdullah, to which Individual 1 asked “what if abdullah decides not to go.” And after Khan bought his ticket later that day, he asked Individual 1 for “instant prayers . . . for me and abdullah.”

43. On or about February 17, 2014, after Khan bought his ticket to Turkey, Individual 1 understood that Khan would be working with others once he arrived in Turkey. She asked Khan how he could trust the people picking him up, to which Khan responded “he seems legit lol.” Individual 1 was apparently not convinced, and stated “He seems legit?? What if it’s a trap or something O.o.” Khan acknowledged there are many traps and then stated “i was referred to this guy by a brother over here...and when i asked him directly he flipped out...like i was suppose to ask him in code lol . . . idk he seem legit . . . iA.” Individual 1, still not convinced,

told Khan that he should wait a while until he can confirm that the “guy is 100% legit,” and after explaining that he would lose “1k”—apparently a reference to cancelling his trip to Turkey, Khan stated that “i trust Allah, that’s enough for me :)”

44. On or about February 20, 2014, Khan sent a message to Individual 1 indicating that “[a]fter I leave for turkey iA, when ever I message you, I will start the message with ‘Salammm’ with 2 m’s” and “[i]f you get a message besides that, don’t reply.” Khan apparently wanted to institute a way for Individual 1 to recognize that it was only him, and not some imposter, communicating with her after he reached Turkey.

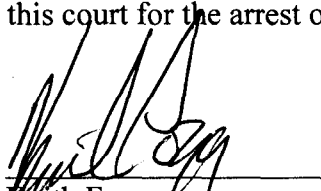
45. On or about February 26, 2014, after Khan returned to the United States leaving S.R.G. in Turkey, Khan sent a message to Individual 1 indicating that “Abdullah found the guy,” and that Individual 1 “should [k]eep him in your prayers.”

**[INTENTIONALLY LEFT BLANK]**


VI.

CONCLUSION

46. Based on the foregoing, which I affirm is true and correct to the best of my knowledge and belief, I respectfully submit that probable cause exists to support a charge of 18 U.S.C. § 2339B (Conspiracy to Provide Material Support and Resources to a Foreign Terrorist Organization), and that the nature of this crime combined with other facts and circumstances further supports the issuance of a warrant by this court for the arrest of Khan.

  
Keith Fogg  
Special Agent, FBI

Subscribed and sworn to before me this 25<sup>th</sup> day of May 2015

  
Honorable Nancy K. Johnson  
United States Magistrate Judge